

In The United States Court of Federal Claims

No. 09-460L

(Filed: May 16, 2011)

DOUGLAS R. BIGELOW TRUST,
JAMIE MORTENSON, *et al.*,
On behalf of themselves and all other
similarly situated persons,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On March 23, 2011, the court certified the class in this proceeding. On April 25, 2011, the parties filed a joint status report proposing a schedule and attaching a proposed class notice and opt-in form. On May 11, 2011, the court also approved the class notice and opt-in form. Accordingly:

1. On or before May 20, 2011, class counsel shall compile a List of Potential Class Members and provide defendant with a copy of the list. The list shall include the names of the individual or entity, the current or last known mailing address, and “property ID” or “parcel ID;”
2. On or before May 27, 2011, class counsel shall mail the class notice and opt-in form to each potential class member;
3. On or before June 3, 2011, class counsel shall file an affidavit certifying that the class notice mailings have been made;
4. On or before August 3, 2011, those who wish to opt-in to the class as a class member shall submit the completed opt-in form to class counsel;

5. On or before August 17, 2011, class counsel shall file a Draft Claim Book, which shall include the following information for each class member:
 - a. A copy of the opt-in form completed and submitted by the class member to class counsel;
 - b. The property or parcel ID number assigned by the city or local government to the property;
 - c. A map showing the location of the property relative to the subject right-of-way and including the street address or nearest street intersection;
 - d. Title documentation showing that the class member was the owner of land adjacent to or traversed by the subject right-of-way on July 29, 2003; and
 - e. Title documentation showing that the class member is the owner of a portion of the subject right-of-way that the railroad acquired and held only as an easement.
6. On or before September 16, 2011, defendant shall file any objections to the initial eligibility of a class member due to title based on the information contained in the Draft Claim Book. The parties shall attempt to resolve any objections; and
7. On or before September 23, 2011, class counsel shall file its responses to defendant's objections, or, alternatively, if all such objections have been resolved, the parties shall file a joint status report regarding initial eligibility, identifying all plaintiffs the parties have determined to be ineligible.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge